REMARKS/ARGUMENTS

Claims 13, 18-14, and 26-28 stand rejected under 35 U.S.C. § 112. In addition, claims 1, 18-24, and 26-28 stand rejected under 35 U.S.C. § 101. Furthermore, claims 1, 2, 5, 7, 10, 12, 13, 14, 16-18, 21, 23, 24, 27 and 28 stand rejected under 35 U.S.C. § 102 in view of U.S. Patent 6,996,556 (Boger). Further still, claims 3, 4, 6, 8, 9, 11, 15, 19, 20, 22, 25, and 26 stand rejected under 35 U.S.C. § 103 over Boger in view of U.S. Patent 6,317,869 (Adl-Tabatabai). Finally, claims 17 and 28 stand rejected under 35 U.S.C. § 103 over Boger in view of U.S. Patent 5,806,029 (Buhrke). Applicants respectfully traverse these rejections.

Claim 13 stands rejected under 35 U.S.C. § 112. Claim 13 has been amended to resolve the antecedent basis rejection. Thus, for at least this reason, this rejection to claim 13 is overcome.

Claims 18-24 and 26-28 stand rejected under 35 U.S.C. § 112. In rejecting these claims, the Office Action cites to M.P.E.P. § 2172.01. This section of the M.P.E.P. cites to 35 U.S.C. § 112, first paragraph, regarding omitted elements, and 35 U.S.C. § 112, second paragraph, regarding failure to interrelate essential elements. The Office Action cites to 35 U.S.C. second paragraph but discusses "omitted elements." Thus, the Office Action appears to address M.P.E.P. § 2172.01 as it relates to both paragraphs one and two of 35 U.S.C. § 112. Therefore, in an abundance caution, the Applicants will address both 35 U.S.C. § 112 first paragraph and second paragraph.

Regarding 35 U.S.C. § 112, paragraph one, M.P.E.P. § 2172.01 states that "a claim which omits matter disclosed to be essential to the invention ... may be rejected under 35 U.S.C. § 112, first paragraph." In other words, the application may be rejected for lack of enablement. Applicants' rejected claims, however, are enabled. Claim 18, and dependent claims 19-23, are directed towards an article comprising a machine-accessible storage medium containing instructions that enable a system to perform certain task. Claim 24, and dependent claims 26-28, recite a system comprising memory and a processor to execute instructions. The specification addresses various ways to implement the described inventions of claims 18 and 24, as well as their dependent claims. For example, the specification addresses specific computer languages as well as storage mediums for implementing the claimed inventions. Specification, pages 14-17.

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Thus, the rejected claims satisfy 35 U.S.C. § 112, first paragraph because they are fully enabled in the specification.

Regarding 35 U.S.C. § 112, second paragraph, M.P.E.P. § 2172.01 addresses the failure to interrelate essential elements of the invention. While the Office Action cites to 35 U.S.C. § 112, second paragraph, the Office Action does not explain where there is a lack of interrelation between essential elements. Thus, Applicants respectfully request that the Examiner more fully explain any rejection based on M.P.E.P. § 2172.01, 35 U.S.C. § 112 second paragraph, if that was indeed the Examiner's actual intended basis for rejection. Until the Examiner does so, the Examiner has not met his or her burden for a rejection under 35 U.S.C. § 112 and Applicants cannot provide a fully informed defense. Thus, for at least these reasons, claims 18-24 and 26-28, and their dependent claims, comply with 35 U.S.C. § 112.

Claims 1, 18-24, and 26-28 stand rejected under 35 U.S.C. § 101 because the claimed invention lacks patentable utility. Regarding claims 1 and 18, the claims have been amended to show an interrelationship between a storage and code. The Federal Circuit has held that a claim for a computer-readable medium, encoded with a computer program, is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer. *In re Lowry*, 32 F.3d 1579, 1583-84 (Fed. Cir. 1994). These interrelationships permit the computer program's functionality to be realized. *Id.* Thus, such a claim is statutory. Claims 1 and 18 have these same functional interrelationships. For example, claims 1 and 18 have been amended to show an interrelationship between a storage and code. Thus, claims 1 and 18 have utility and satisfy 35 U.S.C. § 101.

Regarding the 35 U.S.C. § 101 rejection of claims 18-24, 26-28 due to use of the term "if executed", the claims have been amended to address the Examiner's concerns regarding this particular term. Thus, claims 18-24 and 26-28 satisfy 35 U.S.C. § 101.

Claims 1 and 18 stand rejected under 35 U.S.C. § 102 over Boger. Claims 1 and 18 concern storing method metadata and a cookie indicator in code. In contrast, Boger discusses a metadata manager that collects metadata from a database. Col. 4, line 50 – Col. 5, line 2. In other words, Boger discusses a metadata manager that manipulates metadata. However, Boger never discusses storing metadata in code. Nor does Boger discuss storing a cookie in code. Nor does Boger discuss method metadata. Thus, Boger fails to address any of these three points. Boger merely discusses storing metadata in typical forms of memory, such as a database. Thus,

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Boger's manipulation of metadata does not amount to actually storing method metadata in code. Therefore, for at least these reasons, claims 1 and 18, and their dependent claims, are allowable over the cited reference.

Claims 13 and 24 stand rejected under 35 U.S.C. § 102 over Boger. Claims 13 and 24 concern searching code for method metadata. As stated above regarding claims 1 and 18, Boger merely discusses a metadata manager that collects metadata from a database. Col. 4, line 50 – Col. 5, line 2. However, Boger never discusses searching code for metadata. Nor does Boger discuss searching code for method metadata in particular. Therefore, for at least these reasons, claims 13 and 24, and their dependent claims, are allowable over the cited reference.

Claims 7, 13, and 21 stand rejected under 35 U.S.C. § 102 over Boger. These claims concern querying code for method metadata. As addressed above, however, Boger fails to address method metadata stored in code, much less querying such code for metadata, and method metadata in particular. Thus, for at least these reasons, claims 7, 13, and 21 and their dependent claims, are allowable under the cited reference.

Claim 16 stands rejected under 35 U.S.C. § 102 over Boger. Amended claim 16 recites "searching in an instruction cache ... wherein, the code portion comprises an instruction code." However, Boger merely addresses a data cache—not an instruction cache and not instruction code. Col. 15, lines 60-63. Thus, for at least these further reasons, claims 16 and its dependent claims are allowable over the cited reference.

Claims 3, 19, and 25 stand rejected under 35 U.S.C. § 103 over Boger in view of Adl-Tabatabai. These claims recite a magic cookie having a bit pattern non-compliant with an instruction set architecture. The Office Action relies on Adl-Tabatabai for this 35 U.S.C. § 103 rejection. Adl-Tabatabai is directed towards memory management and the location of variables and reference values in Java. Abstract. Adl-Tabatabai discusses ambiguous types of Java code where the same variable may hold reference and non-reference values. Col. 7, lines 25-37. However, Adl-Tabatabai never teaches or suggests that these values may be non-compliant with an instruction set architecture of a system. If they were non-compliant, the efforts of memory management would be frustrated. Adl-Tabatabai merely states that working with such values is not trivial. Id. The ability to deal with such non-trivial matters is part of the alleged teaching of Adl-Tabatabai. Thus, for at least these further reasons, claims 3, 19, and 25, and their dependent claims, are allowable over the cited references.

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Claims 4, 6, 8, 9, 11, 15, 20, 22, and 26 stand rejected under 35 U.S.C. § 103 in view of Boger in light of Adl-Tabatabai. These claims depend upon independent claims that, as previously discussed, recite one or more of the following: storing method metadata and cookie indicators in a code portion, querying a code portion for a method bundle including method metadata, or searching code for method metadata. As previously discussed, Boger fails to disclose the claimed subject matter. Adl-Tabatabai, however, fails as well. The Office Action relies on Adl-Tabatabai to discuss storing metadata but the Office Action never addresses whether Adl-Tabatabai stores method metadata and cookie indicators in code, queries code for a method bundle including method metadata, searches code for method metadata, or concerns method metadata in particular...and not just metadata. Thus, Adl-Tabatabai adds little to Boger on this issue. For at least the same reasons more fully set out in regard to the 35 U.S.C. § 102 rejections, claims 4, 6, 8, 9, 11, 15, 20, 22, and 26, and their dependent claims, are allowable over the cited references.

Claim 17 stands rejected under 35 U.S.C. § 103 over Boger in view of Buhrke. Claim 17 addresses a method of bidirectional searching code for a method bundle. As previously discussed, Boger does not address searching for metadata in code. Buhrke adds little to Boger in this regard. Buhrke is directed towards speech recognition. Regarding searching, Buhrke merely addresses bi-directional searching of speech *data*—not searching for a method bundle in code. Col. 4, lns. 1-5. Thus, none of the cited references address searching code. At best, they merely address searching data. Thus, for at least these reasons, claim 17 and its dependent claims, are further allowable over the cited references.

Claims 28 stands rejected under 35 U.S.C. § 103 over Boger in view of Buhrke. Claim 28 addresses a search for method metadata using one of a forward search, a backward search, or a bidirectional search. As previously discussed, Boger does not address searching for metadata in code. Buhrke merely addresses bi-directional searching of speech *data*—not searching for a method bundle in code. Col. 4, lns. 1-5. In addition, the cited passage of Buhrke fails to address a search for method metadata using one of a forward search, a backward search, or a bidirectional search. Thus, for at least these reasons, claim 28 is further allowable over the cited references.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner

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is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.1069US).

Respectfully submitted,

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